

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

_____)	
IN RE PHARMACEUTICAL INDUSTRY)	
AVERAGE WHOLESALE PRICE)	MDL NO. 1456
LITIGATION)	Civil Action No. 01-12257-PBS
_____)	
)	
THIS DOCUMENT RELATES TO)	Hon. Patti B. Saris
01-CV-12257-PBS AND 01-CV-339)	
_____)	

**DECLARATION OF ANDREW D. SCHAU IN SUPPORT OF THE JOHNSON &
JOHNSON DEFENDANTS' MOTION FOR LEAVE TO RESPOND TO THE DUXBURY
DECLARATION**

Andrew D. Schau, declares as follows:

1. I am a member of Patterson Belknap Webb & Tyler LLP, attorneys for the J&J Defendants. Attached to this declaration are true and correct copies of the following materials:

Exhibit 1	<i>Duxbury v. Ortho Biotech, Inc.</i> , No. 52348-1-I, 2004 WL 93588 (Wash. App. Div. 1, May 3, 2004)
Exhibit 2	Complaint, <i>United States of America, ex rel., Mark Eugene Duxbury v. Ortho Biotech Products, L.P.</i> , No. 03-1289-RWZ (D. Mass.)
Exhibit 3	The Government's Notice of Election to Decline Intervention, <i>United States of America, ex rel., Mark Eugene Duxbury v. Ortho Biotech Products, L.P.</i> , No. 03-1289-RWZ (D. Mass. July 12, 2005)
Exhibit 4	Declaration of Lyndon Tretter (Aug. 30, 2005)
Exhibit 5	<i>Will-O-Wheel Farms v. A.O. Smith Harvestore Products, Inc.</i> , 1991 WL 86286, *6 (6 th Cir. 1991)
Exhibit 6	<i>In re Del Grosso</i> , 1992 WL 280788 (Bkrtcy. N.D.Ill.,1992)

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Andrew D. Schau

Dated: May 5, 2006

Andrew D. Schau

CERTIFICATE OF SERVICE

I certify that on May 5, 2006 a true and correct copy of the foregoing
DECLARATION OF ANDREW D. SCHAU IN SUPPORT OF THE JOHNSON & JOHNSON
DEFENDANTS' MOTION FOR LEAVE TO RESPOND TO THE DUXBURY
DECLARATION was served on all counsel via Lexis/Nexis.

/s/ Andrew D. Schau
Andrew D. Schau